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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,808	12/29/2005	Amir Meir	ELG-P-5997US	6575
43214	7590	06/28/2007		
EMPK & SHILOH, LLP 116 John St. Suite 1201 New York, NY 10038			EXAMINER TSE, YOUNG TOI	
			ART UNIT 2611	PAPER NUMBER
			MAIL DATE 06/28/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/562,808

Applicant(s)

MEIR ET AL.

Examiner

YOUNG T. TSE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 20051229
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to because "WO 2005/002109" and "PCT/IL/2004/000582" labeled on the top portion of each of the four sheets should be removed. Further, in both Figs. 2A and 2B, "BASE STATION" should be labeled "TO BASE STATION". Furthermore, in Fig. 2B, "240U" labeled in the receiver (down link) should be removed. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered

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and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities:

In paragraph [0034], last third line and paragraph [0044], line 18, the Applicant is requested to update the serial No. 10/175,146, now U.S. Patent No. 6,873,823.

In paragraph [0042], the reference sign "150D" is not described as shown in Fig.

2A.

In paragraph [0045], the reference sign "120D" is not described as shown in Fig.

2B.

Appropriate correction is required.

### ***Claim Objections***

4. Claims 8-9 and 14-27 are objected to because of the following informalities:

In line 2 of both claims 8 and 9, "said traffic" should be "said traffic load".

In claim 14, line 1, "and comprising" should be "and further comprising".

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In claim 15, line 5, "said output power" should be "the power level of said output signal". Wherein the dependent claims 16-19 depend either directly or indirectly upon the independent claim 15.

In claim 20, line 1, "to any one" should be "to".

In claim 21, line 7, "a power amplifier" should be "a power amplifier unit".

Wherein the dependent claims 22-25 depend upon the independent claim 21.

In claim 26, line 3, "the a gain" should be "the gain".

In claim 27, line 1, "processor" should be "microprocessor".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 24, line 5, "said amplitude" lacks antecedent basis.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown et al., U. S. Patent No. 6,259, 682 (hereinafter "Brown").

Regarding claim 15, Brown discloses a radio transceiver circuit in Fig. 2 comprises an attenuator (78) to produce an attenuated signal by attenuating a parameter of an input signal; a power amplifier (80) to produce an output signal by amplifying the attenuated signal; a power monitor (90) to monitor the power level of the output signal; and a RF gain controller (68, 92) able to adjust the output power by controlling the attenuation of the input signal by the attenuator based on traffic load characteristics sampled during operation of a network.

Regarding the method claims 1-14 and the rest of the apparatus claims 16-20, the claimed subject matters are either clearly or inherently performed by the radio system shown in Figs. 2 and 3, as discussed in col. 3, line 38 to col. 4, line 47.

9. Claims 21-23 and 26-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Jun et al., U. S. Patent No. 6,374,119 (hereinafter "Jun").

Regarding claim 21, Jun discloses a radio system in Fig. 5 comprises: a receiver (down link) to receive a signal, for example, from a duplexer 1400; a filtering unit (1610) configured to pass frequency components at or around a frequency band of a predefined communication channel; an attenuator (1630) to produce an attenuated signal by attenuating a parameter of the signal; a power amplifier (1680) to adjust the power of an RF output to a desired level by adjusting a gain of one or more components of the radio system; and a microprocessor (1500) to receive an input responsive to the

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power of the RF output and, based on the input, to provide adjustment control signals to the receiver and the attenuator. Also see Fig. 6 and col. 5, line 44 to col. 6, line 36.

Regarding claim 22, wherein either or both of the receiver and the attenuator (1630) are able to adjust the signal received by the receiver to a desired input level based on the adjustment control signals.

Regarding claim 23, wherein either or both of the receiver and the attenuator (1630) are able to adjust a parameter of the frequency components passed by the filtering unit (1610) based on the adjustment control signals.

Regarding claim 26, wherein the microprocessor (1500) is able to monitor oscillations of the mixers (1640, 1690) and, upon detecting an oscillation event, to cause one or more components of the system to modify the a gain of one or more components of the system according to a predetermined scheme.

Regarding claim 27, wherein said processor (1500) is able to modify the gain of the one or more components by sending to the one or more components control signals responsive to a desired modification according to the predetermined scheme.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 24 and 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Jun et al..

Regarding claim 24, although Jun does not explicitly show or suggest that the power amplifier unit comprises an additional attenuator to reduce the amplitude of the signal, it is inherent or well known to a person skill in the art to have one or two attenuator used in Jun's amplification section, for example, in order to further attenuate the amplitude of the received signal to increase the power for the high power amplifier (1680) to achieve the power requirement of the radio system.

Regarding claim 25, although Brown does not explicitly show or suggest that the filtering unit (1610) comprises: an analog to digital converter to generate a digital signal correlated to the received signal; a digital filter configured to pass frequency components at or around the frequency band of a communication channel and to exclude frequency components indicative of interference signals, and a digital to analog converter to generate an analog signal correlated to the filtered digital signal, again, it is



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inherent or well known to a person skill in the art to include an analog to digital converter prior the filter (1610) when the filter is a digital filter because the received signal is an analog signal and need to provide a digital to analog converter prior the high power amplifier (1680) for converting the digital filter signal into an analog signal when the High power amplifier (1680) is an analog amplifier.

### ***Conclusion***

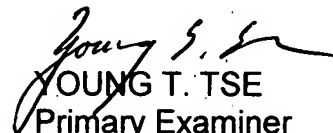
13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rich relates to a gain controller for a radio frequency transmitter controls a power level of a signal transmitted within a predetermined range of output power levels.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOUNG T. TSE whose telephone number is (571) 272-3051. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
YOUNG T. TSE  
Primary Examiner  
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